



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/602,334	06/24/2003	Felix Guindulain Vidondo	2383-1-016	2028

23565 7590 03/03/2006

KLAUBER & JACKSON
411 HACKENSACK AVENUE
HACKENSACK, NJ 07601

EXAMINER

WAGGONER, TIMOTHY R

ART UNIT	PAPER NUMBER
----------	--------------

3651

DATE MAILED: 03/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/602,334	GUINDULAIN VIDONDO, FELIX	
	Examiner	Art Unit	
	Timothy R. Waggoner	3651	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In line 2-3 the claim recites, "may include an internal modem", it is unclear whether an internal modem is being claimed as part of the invention.

Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

Errors include but are no limited to the examples listed below:

Claim 1 recites the limitation "the associated operators or owners" in line 4 of the claim. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation "said data", "the data" in lines 11 and 12 of the claim. There is insufficient antecedent basis for this limitation in the claim.

Claim 2 recites the limitation "to be controlled ... to be bidirectional." In lines 4-9. It is unclear if the limitation is claiming any structural matter.

Claim 4 recites the limitation "the corresponding file" in line 7 of the claim. There is insufficient antecedent basis for this limitation in the claim.

Claim 6 recites the limitation "the self-check and control program" in line 4 of the claim. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

All 35 U.S.C. 103 claim rejections are made based on the examiners best understanding of the claims.

Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Horne et al. USPN 5,091,713 in view of Blad USPN 6,675,067.

Horne discloses a networked vending machine system comprising:

(Re claim 1) "Vending machine (10 figure 2) provided with a public telephone (13,82 figure 2)" Horne discloses a microphone and speaker connected to a telephone line for communication with staff by the public, namely customers. "Means for connection in real time or cyclical connection with each machine" (11 figure 6). "Data processing means and means for the management and control of said data" (110 figure

6). "Means to facilitate access to the data ... by the operators or owners"
(102,104,106,108 figure 6).

Though Horne discloses connection means to provide communication between the vending machine to its owners/service personnel, it does not disclose that this means uses the Internet itself.

Blad discloses well-known use of the Internet in the art to connect vending machines to owners systems.

It would be obvious to one skilled in the art to use the well-known connections means of the Internet to connect the owners/operators of Horne's invention to there vending machines.

(Re claim 2) "central server has hired telephone lines corresponding to each one of the machines (line 64 col 3), communicate by means of the public telephone (13 figure 6), communication between central server and the machine to be bidirectional (line 20 col 7)".

(Re claim 3) "means for connection of the central server with each machine, are defined by a program included by the central server and the public telephone". Though Horne does not directly claim a program to designed to perform such a function, the way the system is described as being used and the use of a modem itself requires a program of some kind to manage communication, therefor anticipating the need for a program.

(Re claim 4) "means for processing the data ... a program that updates and stores said data ...the corresponding file includes a safety standard" The claim is

Art Unit: 3651

anticipated by Horne's discloser, in the paragraph starting on line 67 of col 7 describes the use of the computer to compile a sales history and providing a report (file) for test marketing, which would be confidential and hence includes some safety standard.

(Re claim 5) Horne does not disclose a program for controlling and managing the access of the operators terminals to the information on the central computer but, due to the nature of sorting data, forming requests, compiling reports and the ability to route the information to these terminals it is necessary to have some kind of program, hence Horne's disclosure anticipates the need for such a program.

(Re claim 6) Horne does not disclose a self-check and control program and said program using the telephone to report to the central server that an incident has taken place and the server notifies an operator or owner but, Horne does disclose these operations in that the sensors when activated will automatically call home to the central server and through the server report to the appropriate operator the sensed incident, to perform this task it is necessary to have some kind of program, hence Horne's disclosure anticipates the need for such a program.

(Re claim 7) "the machines may include and internal modem associated to the corresponding telephone line ... for ... communication ... with the central server" (11 figure 3)

Conclusion

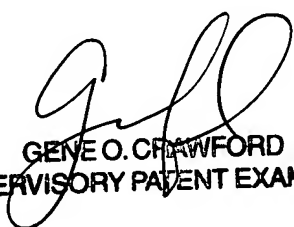
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. USPN's 6,340,268, 6,181,981, and 6,370,436.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy R. Waggoner whose telephone number is (571) 272-8204. The examiner can normally be reached on Mon-Thu 8am-2pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Crawford can be reached on (571) 272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TRW


GENE O. CRAWFORD
SUPERVISORY PATENT EXAMINER